

DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14-cv-286-FDW

BRANDON LEE GIFFORD,)
)
Plaintiff,)
)
vs.)
)
RICKY BOLTON BROWN, et al.,)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court following receipt of Plaintiff's "Prisoner Administrative Remedy Statement," (Doc. No. 9). Plaintiff filed this action pursuant to 42 U.S.C. § 1983, on October 30, 2014. Plaintiff appears to be contending in the Complaint that he was subjected to cruel and unusual punishment in violation of his Eighth Amendment rights while he was incarcerated at the Henderson County Detention Center. On November 13, 2014, the Clerk of this Court entered an Order requiring Plaintiff to submit an administrative remedies statement within twenty days. (Doc. No. 3). The Clerk warned Plaintiff that failure to submit an administrative remedies statement would result in dismissal of this action. Plaintiff did not submit an administrative remedies statement. On February 12, 2015, this Court entered a second order again requiring Plaintiff to submit an administrative remedies statement. (Doc. No. 8). On February 23, 2015, Plaintiff responded to the Court's order by submitting a one-page statement in which he contends that he "did file a grievance with the staff (SGT. Todd) at the Henderson County Jail. I was not satisfied with the action taken to resolve the issue and when I asked to speak with someone further up in management, I was told that it was not possible. I followed the procedure at the time and the issue was never resolved." (Doc. No. 9). Plaintiff further requests

to “receive all cop[ies] of the grievances” he filed at the detention center.

This Court cannot determine whether Plaintiff exhausted his administrative remedies at this time. The Court hereby directs authorities at the Henderson County Detention Center to submit to the Court all grievances filed by Plaintiff related to the conduct complained of in this action. The Court will also require authorities at the detention center to submit to this Court the detention center’s written grievance policy, as well as a statement indicating whether Plaintiff pursued his claim through all steps of the detention center’s grievance process.

IT IS, THEREFORE, ORDERED that:

- (1) Within twenty (20) days of this Order, authorities at the Henderson County Detention Center shall submit to the Court all grievances filed by Plaintiff related to his claims in this action. Detention center authorities shall also submit to this Court the detention center’s written grievance policy, as well as a statement indicating whether Plaintiff pursued his claims through all steps of the detention center’s grievance process before bringing this action.
- (2) The Clerk of this Court shall mail a copy of Plaintiff’s Complaint, as well as this Order, to the Henderson County Detention Center, 375 1st Ave. East, Hendersonville, NC 28792.



Frank D. Whitney
Chief United States District Judge

